

FIFTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 23, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Owing to an accident in the printing office, from which cause the journal of yesterday was not printed, the adoption of the same was postponed until printed.

On motion of Senator J. R. Henry, Senator Storey was granted a leave of absence until Monday next.

Senator Stephens presented the petition of the grand jury of Palo Pinto county, "asking that an act be passed permitting them to elect a District Attorney in their Judicial District, as the best legal talent is required to convict the desperate and lawless characters which abound in frontier counties," etc.

Referred to Judiciary Committee No. 1.

Senator Blassingame, Chairman of the Committee on Roads, Bridges and Ferries, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate Bill No. 264, "An Act authorizing counties to purchase toll bridges for the free use of the public," have had the same under consideration, and report it back to the Senate, and recommend its passage.

BLASSINGAME, *Chairman.*

Senator Carroll, for the Committee on Finance, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Finance, to whom was referred House Bill No. 1, "An Act making an appropriation of forty thousand dollars to complete and furnish the State Agricultural and Mechanical College," beg leave to report that they have had the same under consideration, and recommend that it do pass.

CARROLL, *for the Committee.*

Also, as Chairman of Committee on Comptroller's and Treasurer's Departments, he submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Comptroller's and Treasurer's Departments, to whom was referred Senate Bill No. 261, "An Act to create a standing Treasury Committee," have had the same under consideration and instruct me to report it back, with the recommendation that it do pass.

CARROLL, *Chairman.*

Senator Piner, Chairman of Judiciary Committee No. 2, submitted the following reports:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 291, entitled, "An Act to regulate procedure in relation to common uses of certain enclosed lands," have had the same under consideration, and beg leave to report it back, and recommend that it do pass.

PINER, *Chairman.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 177, entitled, "An Act to amend Section 1 (Paschal's Digest, Article 1518), of an act entitled, 'An Act amending the several acts regulating the proceedings in the District Courts,' approved February 14, A. D., 1860," have had the same under consideration, and beg leave to report it back, and recommend that it do pass.

PINER, *Chairman.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 124, entitled, "An Act to provide for the incorporation of building fund and loan associations," have had the same under consideration, and beg leave to report it back, and recommend that it do pass.

PINER, *Chairman.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 165, entitled, "An Act to amend Article 683 of the code of criminal procedure," have had the same under consideration, and beg leave to report it back, and recommend that it do pass.

PINER, *Chairman.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 144, entitled, "An Act to amend Section 86 of an act to regulate proceedings in the District Courts," approved May 13, 1846, have had the same under consideration, and beg leave to report it back with the following amendment, to-wit:

Add to Section 1 the following: "Provided, further, That nothing contained in the foregoing proviso shall apply to suits against executors and administrators," and, as amended, recommend that it do pass.

PINER, *Chairman.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 289, entitled, "An Act to abolish the office of Notary Public, as it existed prior to the adoption of the present Constitution," have had the same under consideration, and beg leave to report it back, and recommend that it do pass.

PINER, *Chairman.*

Senator Hobby, Chairman of the Judiciary Committee No. 1, submitted the following reports:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 284, entitled, "An act to authorize the Clerk of the Court of Appeals to appoint a deputy," have had the same under consideration, and instruct me to report the bill back to the Senate and recommend its passage.

HOBBY, *Chairman.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 252, entitled, "An Act for the better preservation of the records, books and papers of the several courts of the State of Texas," have had the same under consideration and instruct me to report the bill back

to the Senate and recommend that it do not pass, as it is already sufficiently provided for by law.
HOBBY, *Chairman*.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No 1, to whom was referred Senate Bill No. 260, entitled: "An Act supplemental to an act to provide for the registry of deeds and other instruments of writing," passed May 12, 1846, have had the same under consideration, and instruct me to report the bill back to the Senate and recommend that it do not pass.

HOBBY, *Chairman*.

Senator Brady submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

The minority of your Committee on Finance, who have had under consideration House Bill No. 236, "An Act to authorize the United States bonds now in the Treasury to the credit of the permanent school fund, to be disposed of, and the proceeds thereof invested in State bonds; likewise, to invest in the same manner the funds now in the Treasury to the credit of said fund, or that may hereafter be received from all sources," most respectfully differ from the majority report of said committee, and recommend that said bill do not pass, for the following reasons:

There is now in the State Treasury, belonging to the permanent school fund: Cash, in currency, \$342,681.23; cash, in gold, \$15,827.37; United States bonds, 6 per cent., \$117,300.00; United States bonds, 5 per cent., \$357,550.00.

The object of this bill is to appropriate these funds to pay the necessary current expenses of the State Government, which your minority think is incompatible with the duties of the State, as the trustee of the school fund, and clearly in violation of Section 7, of Article 8, of the State Constitution, which says: "The Legislature shall have no power to borrow, or in any manner divert from its purpose, any special fund that may or ought to come into the Treasury; and shall make it penal for any person or persons to borrow, withhold, or in any manner divert from its purpose any special fund, or any part thereof."

The school fund is a special fund and as such held in trust by the State for the use and benefit of the children of the State. In contemplation of law, the State is the trustee of the school fund, and as such can not lawfully appropriate, directly nor indirectly, any of this fund to meet the current expenses of the State Government. The exercise of such a power would be subversive of the equitable principles of jurisprudence governing the powers and prescribing the duties of trustees, which your minority think equally applies to the State when acting in a trust capacity in the management of the school fund for the use and benefit of the children of the State.

It is contended by those who favor this measure that its object is a permanent investment in the bonds of the State; but the facts show to the contrary. The House Bill No. 236, which was recommended by this committee as a counterpart of this measure, provides for the sale of about \$1,600,000 6 per cent. State bonds, to meet the pressing necessities of the State Government, and which provides upon its face for the exchange of about \$800,000 for the school fund. Both bills reported by

the majority of your committee on this subject, contain the imperative necessity and emergency clause, to take effect upon their passage.

The question is very naturally asked: Why is it that such an imperative necessity exists that United States bonds belonging to the permanent school fund be disposed of immediately, and the proceeds invested in State bonds? The answer is, because, notwithstanding the late sale of \$1,900,000 of State bonds at a ruinous discount, there is no money in the Treasury to pay the current demands of the State Government, and the warrants of the Comptroller on the Treasurer have been selling at ninety cents on the dollar since this Legislature has been in session. This condition of the financial affairs of the State fully explains the objects of this bill.

It is claimed by those who favor the majority report, that, because United States bonds can now be sold at a premium, that it is good policy to do so, and to exchange the proceeds for the six per cent. State bonds, as provided for in this bill. This position cannot be sustained by any principle of sound financial policy, because that security which commands the best price in the markets of the world must be considered the best investment; and, therefore, as United States bonds command a higher price and a more ready sale than State bonds, they must be a better investment.

But if it be good policy to sell United States bonds belonging to the school fund, and invest the proceeds in State bonds, why not permit the School Board to purchase State bonds in the market, on the most advantageous terms, as contemplated in Section 4, of Article 6, of the Constitution? Why this hasty exchange for State bonds, except, as before stated, to meet the pressing necessities of the State Treasury to pay the current expenses of the State Government, and which may be included as one of the pressing demands upon the Treasury, that of the *per diem* of members of the Legislature?

The Constitution never contemplated any such appropriation of the school fund, and any measure proposed by this Legislature to accomplish that end, must be fraught with dangerous consequences, and to the great alarm of the people. It is another effort to misappropriate the school fund, and to dash to pieces all hopes of a public free school endowment, which has been so fondly cherished by the people, but so long delayed by their rulers. We should be admonished by the past, not to adopt any such policy as is contained in this bill. Ten years ago a part of the school fund was exchanged for State bonds, but the State has failed to pay interest on those bonds to the school fund from that time to the present. May not that be the case again? What better rule have we of judging the future, than by the past? The financial necessities of the State are constantly increasing; already the public debt is near five millions of dollars, and nine-tenths of it has been contracted since the close of the late civil war; and which has been increased \$780,415.03, from the 1st day of January, 1875, to the 1st day of February, 1876, as shown by the Governor's message. For all this debt, Texas has nothing additional to show for it, except the buildings of the Agricultural and Mechanical College.

It is further argued by those who favor the majority report that our State debt is small in comparison with the debt of other States. This is not so. Whilst some other States have larger debts than Texas, the most of them have something to show for the creation of their debt.

They are credited with a system of free public schools, school-houses, State universities and other institutions of learning; also railroads, canals and other internal improvements, built by the State—all representing a corresponding increase in wealth. But Texas has nothing of this sort to show for her debt; and, notwithstanding all of our boasted increase in population and material development, yet our taxable wealth, as shown by the Comptroller's reports, is only \$250,853,759, which is nearly \$100,000,000 less than it was before our public debt was contracted.

But apart from State financial embarrassments, for the sake of argument, let us admit that the State bonds are a good investment for those who have money to invest therein; yet your minority contend that it is not good policy to invest the school fund in such bonds.

It can not be disguised but that there is in this State a formidable influence, constantly exercised, against adopting a system of public free schools. That influence was manifest in the late Constitutional Convention and there formulated into a power which came near destroying entirely all hopes of establishing a system of public free schools in this State. That power is not entirely dormant in this Legislature, and should it ever become predominant, even for a short time, it would refuse to pay interest on the bonds of the State held by the school fund, which would paralyze, if not destroy, our public school resources. Besides, in view of the rapid increase of our public debt, and the probable deficiencies in the revenue that must occur in consequence of the inadequacy of the tax authorized by the Constitution for revenue purposes, the financial embarrassments of the State must necessarily increase, which will produce a strong temptation to misapply the revenue, which should go to pay the interest on the State bonds belonging to the school fund.

It will be plausibly argued in the future, as in the past, that it all belongs to the State, and she can do what she pleases with it, and not apply it to the school fund if she sees proper to do so.

To guard against any such temptation, your minority is strongly impressed with the conviction that the school fund should not be invested in State bonds, but should be invested in United States bonds, which are not subject to the dangers and contingencies incident to the mismanagement of the State Government.

The premises considered, your minority, in the name of the people, protest against the passage of this bill, and all other measures seeking to accomplish the same purpose.

All of which is respectfully submitted. BRADY, for Minority.

Senator Douglass offered the following resolution:

Resolved, That so much of a resolution, passed April 20th, providing for the printing of the Governor's message, as requires the printing of one thousand copies of said message in Bohemian, is hereby rescinded.

Adopted.

The President *pro tem.* took up House Bill No. 137, "An Act to amend an act entitled 'An Act to amend Article 11 of an act entitled, "An Act concerning divorce and alimony," approved January 6, 1841, approved May 27, 1873, and referred it to Judiciary Committee No. 1.

On motion of Senator Smith, the rules were suspended, and Senate Bill No. 289, "An Act to abolish the office of Notary Public as it existed prior to the adoption of the present Constitution," was taken up and read first time.

Senator McLeary moved a suspension of the rules, to place the bill on its second reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Carroll, Douglass, Francis, Grace, Guy, Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCulloch, Moore, Piner, Ripetoe, Smith, Stephens, Terrell, Thompson, Wortham—21.

NAYS—None.

NOT VOTING—Senators Brady, Brown, Crain, Edwards, Ford, Henry J. R., McCormick—7.

Bill read second time and ordered engrossed, by the following vote:

YEAS—Senators Ball, Blassingame, Carroll, Douglass, Francis, Grace, Guy, Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCulloch, Moore, Piner, Ripetoe, Smith, Stephens, Terrell, Thompson, Wortham—21.

NAYS—None.

NOT VOTING—Senators Brady, Brown, Crain, Edwards, Ford, Henry J. R., McCormick—7.

Senator Smith moved a further suspension of the rules, to place the bill on its third reading.

Carried, by the following vote:

YEAS—Senator Ball, Blassingame, Carroll, Douglass, Edwards, Francis, Grace, Guy, Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Smith, Stephens, Terrell, Thompson, Wortham—23.

NAYS—None.

NOT VOTING—Senators Brady, Brown, Crain, Ford, Henry J. R.—5.

Bill read third time and passed, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Douglass, Edwards, Francis, Gracé, Guy, Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Smith, Stephens, Terrell, Thompson, Wortham—24.

NAYS—None.

NOT VOTING—Senators Brady, Crain, Ford, Henry J. R.—4.

Senate Bill No. 142, "An Act to provide for the election of District Attorneys in the Twentieth and Twenty-fourth Judicial Districts of the State of Texas," being the unfinished business, was taken up, and, on motion of Senator McLeary, it was postponed until Tuesday next.

Senate Bill No. 162, "An Act to amend Articles 518 and 519 of an act entitled, 'An Act to adopt and establish a code of criminal procedure for the State of Texas,' approved August 26, 1856."

Senator Grace moved a call of the House.

Call sustained.

Roll called.

Absent—Senators Brady, Ford, Motley, Henry J. R., Smith—5.

On motion of Senator Ledbetter, Senator Motley was excused on account of sickness.

On motion of Senator Brown, Senator Henry was excused.

Senator Crain moved a suspension of the call.

Lost.

On motion of Senator Carroll, the rules were suspended, and House Bill No. 1, "An Act making an appropriation of forty thousand dollars

to complete and furnish the State Agricultural and Mechanical College," was taken up and read the first time.

On motion of Senator Carroll, the rules were further suspended to place the bill on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Thompson, Wortham—22.

NAYS—Senator Ripetoe—1.

NOT VOTING—Senators Ford, Smith, Stephens, Terrell—4.

The bill was read the second time and ordered engrossed.

A further suspension of the rules was ordered, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Francis, Ford, Grace, Guy, Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Stephens, Terrell, Thompson, Wortham—21.

NAYS—Senator Ripetoe—1.

NOT VOTING—Senators Douglass, Edwards, Henry F. M., McLeary, Smith—5.

The bill was read the third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Smith, Stephens, Terrell, Thompson, Wortham—24.

NAYS—Senators Henry F. M., Ripetoe—2.

NOT VOTING—Senator Ford—1.

The Senate being full, the call was suspended.

Senator Crain moved the previous question on the bill, No. 162, and pending amendments:

Seconded, and the main question ordered.

The pending substitute of Senator Storey for Senator Piner's amendment to Senate Bill No. 162, "to amend Articles 518 and 519," etc., was lost by the following vote:

YEAS—Senators Ball, Brady, Grace, Henry F. M., Ledbetter, Martin, McCulloch, Moore, Ripetoe, Smith—10.

NAYS—Senators Blassingame, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Guy, Hobby, McLeary, McCormick, Piner, Stephens, Terrell, Thompson, Wortham—17.

Senator Piner's amendment was lost by the following vote:

YEAS—Senators Ball, Brady, Douglass, Grace, Guy, Henry F. M., Ledbetter, Martin, Moore, Ripetoe, Smith, Terrell—12.

NAYS—Senators Blassingame, Carroll, Crain, Edwards, Francis, Ford, Hobby, McLeary, McCormick, McCulloch, Stephens, Thompson, Wortham—13.

NOT VOTING—Senators Brown, Piner—2.

The bill was ordered engrossed by the following vote:

YEAS—Senators Blassingame, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Hobby, McLeary, McCormick, McCulloch, Piner, Stephens, Thompson, Wortham—16.

NAYS—Senators Ball, Brady, Grace, Guy, Henry F. M., Ledbetter, Martin, Moore, Ripetoe, Smith, Terrell—11.

On motion of Senator McLeary, Senator Ford was excused for two hours.

Substitute for Senate Bill No. 85, "An Act to amend Section 138 of an act entitled, 'An Act to regulate proceedings in the District Courts,'" approved May 13, 1846, was taken up, read second time and ordered engrossed.

Senate Bill No. 97, "An Act to amend Section 1 of 'An Act to provide for a change of venue in civil cases,'" approved April 7, 1874, was taken up, read second time, amendments of the committee adopted, and the bill ordered engrossed.

Senate Bill No. 96, "An Act to amend the penal code of the State of Texas," approved August 26, 1876, was taken up, read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 99, "An Act to amend the penal code of the State of Texas," approved August 26, 1856, was taken up, and on motion of Senator Ledbetter, was postponed for the present.

On motion of Senator McLeary, the rules were suspended, and Senate Bill No. 179, "An Act to encourage irrigation and navigation," was taken up, 100 copies ordered printed and bill made special order for 10:30 o'clock on Thursday next, and from day to day until disposed of.

Senate Bill No. 107, "An Act to enable counties to pay debts incurred prior to April 18, 1876," was taken up and read second time.

Report of Judiciary Committee No. 1, recommending that the bill do not pass, adopted, and bill lost.

On motion of Senator Brady, the rules were suspended, and House Bill No. 212, "An Act to facilitate commerce and navigation within the navigable waters of the State," taken up and read first time.

On motion of Senator Hobby, the rules were suspended, and Senate Bill No. 156, "An Act regulating the finances of the several counties of the State, and the mode and manner of keeping the accounts pertaining thereto," was taken up and made special order for Wednesday next at 11 o'clock, A. M., and from day to day until disposed of.

Senator Stephens, from the Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully read, examined and compared the following Senate Bills and find the same correctly engrossed: Senate Bill No. 140, "An Act to provide for filling vacancies in the offices of District Clerks and Constables;" Senate Bill No. 286, "An Act to transfer and re-appropriate the unexpended balance remaining on hand of the appropriation to pay Supreme Court Clerk's fees in felony cases, appropriated under Act of March 15, 1875, to pay Clerks of Appellate Court for fees in felony cases;" Senate Bill No. 48, "An Act to amend an act entitled, 'An Act to amend Articles 756 and 766 of 'An Act to adopt and establish a penal code of the State of Texas,'" approved November 12, 1866; Senate Bill No. 228, "An Act fixing the times of holding District Courts in the Twenty-third Judicial District;" Senate Bill No. 11, "An Act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas."

STEPHENS, *Chairman.*

Senate Bill No. 104, "An Act to regulate fees in examining courts," was taken up, and on motion of Senator Hobby the bill was laid on the table, subject to be taken up at any time, and to be considered in con-

junction with Senate Bill No. 137, "An Act to fix and regulate the fees of all the State officers of Texas, and the several counties thereof."

On motion of Senator McLeary, both the above bills were made the special order for to-morrow morning at 11 o'clock, and from day to day until disposed of.

Senate Bill No. 112, "An Act to amend, 'An Act to adopt a penal code for the State of Texas,'" approved Aug. 28, 1856, was taken up, read second time, and ordered to be engrossed.

The following communication from Col. J. D. Elliott was read :

Hon. Wells Thompson, President pro tem. of the Senate :

I herewith tender my resignation as Public Printer, and ask that the contract may be rescinded. The approval by the Senate, yesterday, of Section 16 of the printing bill which supersedes my contract, renders this step, from a sense of self-respect, necessary. Besides, I have been unable to procure, for the work already done, the rates stipulated by my contract, and every character of assistance which might save me from loss. Respectfully submitted, J. D. ELLIOTT.

Senator Terrell moved to reconsider the vote taken yesterday, by which House Bill No. 318, "An Act to provide for the public printing, binding and stationery by contract," was passed.

Senator Wortham moved to lay the motion on the table.

Lost, and the motion to reconsider also lost.

Senate Bill No. 113, "An Act to authorize the Commissioner of the General Land Office to have the general indexes in said office transcribed," was taken up, and read second time; pending the consideration of which, the hour arrived for the special order :

Senate Bill No. 98, "An Act to provide annual pensions for the surviving soldiers of the Texan Revolution and the surviving signers of the declaration of Texan Independence, and to the surviving widows of such soldiers and signers," which was taken up, read second time and report of the committee, recommending amendments, adopted.

On motion of Senator Piner, the further consideration of the bill was postponed until this day week, and made special order for 11 o'clock on that day, and from day to day, until disposed of.

Senator Crain in the chair.

Senate Bill No. 275, "An Act to encourage the construction of railroads in Texas by donations of lands," being a special order of the day, was taken up and read second time.

Senator McLeary moved that the bill be postponed till one week from to-day.

Senator Douglass made a point of order, that to postpone a special order required a two-thirds vote.

The chair decided the point of order not well taken.

The motion of Senator McLeary was then carried, and the bill postponed.

Senator Ford, by leave, introduced a bill, "To suppress lawlessness and crime in certain parts of the State."

Referred to the Committee on Indian Affairs and Frontier Protection.

Senator Piner, by leave, introduced a Joint Resolution, "Requiring the Comptroller and Treasurer to report if there is on file in their respective offices, any claims which were omitted and neglected to be examined and reported upon, by the Auditor and Comptroller, under the

provisions of certain acts approved March 20, 1848, and February 7, 1853."

Referred to Committee on Comptroller's and Treasurer's offices.

House Bill No 235, "An Act to provide for the payment of the bonds of the State of Texas, that will become due and that are retireable in the years 1876 and 1877, and to make adequate provisions for the floating indebtedness of the State, and to supply deficiencies in the revenue, by the sale of the bonds of the State, and to make an appropriation to carry into effect the provisions of the same," being a special order of the day, was taken up, and on motion of Senator Carroll, was postponed until 3:30 P. M.

Senator Stephens, from the Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Engrossing Committee, to whom were referred Senate Bills Nos. 289 and 65, have carefully examined and compared the same and find them correctly engrossed. STEPHENS, *Chairman.*

On motion of Senator Piner the Senate adjourned until this afternoon at 3:30 o'clock.

AFTERNOON SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. No quorum present.

ABSENT—Senators Brady, Brown, Crain, Grace, Guy, Francis, Hobby, Martin, Piner, Smith, Stephens, Terrell—12.

Senators Smith, Hobby, Crain, Guy, Terrell, Piner, returned and quorum present.

On motion of Senator McLeary, Senator Francis was excused for the evening to attend a meeting of the Asylum Committee.

The special order, Senate Bill No. 235, "An Act to provide for the payment of the bonds of the State of Texas that will become due and that are retireable in the years 1876 and 1877, and to make adequate provisions for the floating indebtedness of the State, and to supply deficiencies in the revenue by the sale of the bonds of the State, and to make an appropriation to carry into effect the provisions of the same," was taken up and read first time.

Senator Crain moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senators Brady, Martin, Grace, Stephens—4.

Senator McLeary moved that Senator Grace be excused, to attend the meeting of the committee at asylum.

Carried.

Senator McLeary moved that the call be suspended.

Lost.

Senate Bill No. 102 taken up.

Senator Smith moved a call of the House.

Call sustained.

Roll called.

Absent—Senators Brady, Stephens—2.

On motion of Senator McLeary, Senator Stephens was excused.

Senator Brady was announced, and the Senate being full, the call was suspended.

Senator Martin moved to adjourn until to-morrow at 9 o'clock A. M.

Lost by the following vote:

YEAS—Senators Brady, Douglass, Ford, Henry J. R., Hobby, Martin, McCormick, Motley, Ripetoe—9.

NAYS—Senators Ball, Blassingame, Brown, Carroll, Edwards, Guy, Henry F. M., Ledbetter, McLeary, McCulloch, Moore, Piner, Smith, Terrell, Thompson, Wortham—16.

Senator Brady moved that fifty copies of the pending bill and reports of committees be printed and made the special order for Wednesday next, and from day to day until disposed of.

Senator Crain moved to adjourn until to-morrow morning at 9 o'clock.

Lost by the following vote:

YEAS—Senators Crain, Douglass, Ford, Martin, McCormick—5.

NAYS—Senators Ball, Blassingame, Brady, Brown, Carroll, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Terrell, Thompson, Wortham—20.

NOT VOTING—Senator Edwards—1.

Senator Ledbetter moved the previous question, which was seconded, and the main question ordered.

Senator Brady's motion was then put and lost.

Senator Smith moved that fifty copies of the bill be printed, and the same made special order for Wednesday next at 10 o'clock A. M., and from day to day until disposed of, which was adopted by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Douglass, Edwards, Ford, Guy, Henry J. R., Hobby, Martin, McCormick, McCulloch, Motley, Piner, Ripetoe, Smith, Thompson, Wortham—18.

NAYS—Senators Ball, Carroll, Crain, Henry F. M., Ledbetter, McLeary, Moore, Terrell—8.

Senate Bill No. 223, "An Act to further regulate stock raising," was taken up and read, and report of committee adopted.

Senator Ledbetter moved to adjourn until to-morrow morning at 9 o'clock.

Lost by the following vote:

YEAS—Senators Ball, Brady, Carroll, Ford, Guy, Henry F. M., Hobby, Ledbetter, Martin, McCormick, Ripetoe—11.

NAYS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Henry J. R., McLeary, McCulloch, Moore, Piner, Motley, Terrell, Thompson, Wortham—14.

NOT VOTING—Senator Smith—1.

Senator McCormick moved that fifty copies of Senate Bill No. 233 be printed.

Senator Crain moved to amend the motion by adding, "that the bill be made the special order for Tuesday next, at 3:30 o'clock P. M."

Adopted.

Senate Bill No. 236, "An Act to authorize the United States bonds now in the Treasury to the credit of the permanent school fund to be disposed of, and the proceeds thereof invested in State bonds; likewise to invest in the same manner the funds now in the Treasury to the credit of said fund, or that may hereafter be received from all sources," was taken up as special order, and read.

Senator Carroll moved that fifty copies of the bill be printed, and that the bill be made the special order for Wednesday next at 10 o'clock A. M.

Adopted.

Senator Ripetoe moved that the Senate adjourn until to-morrow morning at 9 o'clock.

Yeas and nays were demanded, and on being taken, no quorum was present.

Senator McLeary moved that the Sergeant-at-Arms be sent for absentees.

Absentees appearing, a quorum was present.

Senator Martin moved to adjourn till to-morrow morning at 9 o'clock.

Lost by the following vote:

YEAS—Senators Ball, Brady, Brown, Carroll, Ford, Hobby, Ledbetter, Martin, Ripetoe—9.

NAYS—Senators Blassingame, Crain, Douglass, Edwards, Guy, Henry J. R., Henry F. M., McLeary, McCormick, McCulloch, Moore, Motley Piner, Smith, Terrell, Thompson, Wortham—17.

Senator Crain moved to adjourn until to-morrow morning, at 8:55.

Lost by the following vote:

YEAS—Senators Ball, Brady, Brown, Carroll, Ford, Hobby, Ledbetter, Martin, Ripetoe—9.

NAYS—Senators Blassingame, Crain, Douglass, Edwards, Guy, Henry J. R., Henry F. M., McLeary, McCormick, McCulloch, Moore, Motley, Piner, Smith, Terrell, Thompson, Wortham—17.

Senate Bill No. 102, "An Act entitled 'An Act to amend Article 393 of an act to adopt and establish a penal code for the State of Texas,'" approved August 20, 1856, was taken up and read second time.

Senator Martin moved to adjourn until to-morrow morning at 9 o'clock.

Lost.

On the engrossment of the pending bill, a vote was taken and no quorum present.

On motion of Senator McLeary absentees were sent for.

Absent Senators appeared.

Quorum present.

The bill under consideration was engrossed by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Edwards, Ford, Guy, Henry J. R., Henry F. M., Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Thompson—17.

NAYS—Senators Ball, Carroll, Ledbetter, McLeary—4.

NOT VOTING—Senators Crain, Douglass, Hobby, Terrell—4.

On motion of Senator Blassingame, the Senate adjourned until to-morrow morning at 9 o'clock.

FIFTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 24, 1876. }

Senate met pursuant to adjournment. President *pro tempore* in the chair. Roll called. Quorum present. Prayer by the Rev. Mr. Wharey. Journal of Thursday and of yesterday adopted.

Senator Piner presented the petition of numerous citizens of Denton